

## REMARKS

Claims 1-41 and 49-56 are pending, with claims 1, 7, 10, 23, 34, 39, 49, and 51 being independent. Claims 1-6, 10-23, 26-30, 34-38, and 49-56 are under consideration as being directed to elected Invention I, with claims 1-6, 10-22, 34-38, 49, 50, and 52-56 being readable on elected Species A; claim 51 being generic to elected Species A and non-elected Species B; claims 26-30 of Species B being linking claims that link together the inventions of Species A and B; and claim 23 of Species B being the base claim of linking claims 26-30. Claims 7-9, 24, 25, 31-33, and 39-41 are withdrawn from consideration as being directed to elected invention I but being readable on non-elected Species B. Claims 4-6, 12-14, 17-22, 36-38, and 50 of Species A are linking claims that link together the inventions of Species A and B. No changes have been made to the application in this paper.

### Applicants' Statement of Substance of Interview

A personal interview was conducted on February 3, 2009, between Examiner Natalie K. Walford; her supervisor, SPE Nimeshkumar D. Patel; and the undersigned attorney, Randall S. Svihla. On February 3, 2009, the Examiner faxed an Interview Summary the interview to the attorney in which the Examiner states as follows:

Claims discussed: 1 and 51

Identification of prior art discussed: Yokoi reference

Agreement with respect to the claims was not reached.

Substance of Interview: Mr [sic] Svihla explained the disclosed invention and gave reasons as to why he believed that Yokoi reference did not support the outstanding rejection. Examiner Walford agreed to consider the arguments when formally filed.

As of the filing date of February 18, 2009, of this Request for Reconsideration After Final Rejection, a copy of the Interview Summary had not been scanned into the image file wrapper of the application, and it is respectfully requested that the Examiner have this done as soon as possible to complete the official record of the application.

The applicants' statement of the substance of the interview required by the Interview Summary and MPEP 713.04 is as follows.

The attorney explained the claimed invention to the Examiner and her supervisor, in particular the feature "a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" recited in independent claim 1; the feature "wherein the main apertures form an effective deposition area, and the first dummy apertures form an ineffective deposition area" recited in dependent claim 2; the feature "at least two mask units, and further comprising a plurality of second dummy apertures formed outside and adjacent to the outermost mask units in the direction in which tension is applied to the evaporation mask" recited in dependent claim 4; the feature "wherein the second dummy apertures are formed outside the effective deposition areas where the mask units are formed" recited in dependent claim 5; the feature "forming a first dummy pattern area outside the effective luminescent area through the first dummy apertures" recited in independent claim 10; the feature "wherein at least two organic EL devices are manufactured in a single process" recited in dependent claim 12; the feature "wherein the dummy aperture prevents the main aperture from being deformed by tension applied to the evaporation mask" recited in independent claim 51. The attorney went over the detailed arguments presented below pointing out that these features are not disclosed or suggested by Yokoi as alleged by the Examiner.

The attorney also explained the feature "wherein at least one of the first dummy apertures is formed parallel to the main apertures, and at least another one of the first dummy apertures is formed perpendicular to the main apertures" recited in dependent claim 3; and the feature "wherein at least one of the second dummy apertures is formed parallel to the main apertures of the mask units, and at least another one of the second dummy apertures is formed perpendicular to the main apertures" recited in dependent claim 6. The attorney went over the detailed arguments presented below pointing out that these features are not disclosed or suggested by FIG. 35 of Himeshima as alleged by the Examiner.

The supervisor stated that if the applicants' arguments with respect to the direction in which the tension is applied to the evaporation mask are correct, it would appear that the outstanding rejections cannot be maintained.

The supervisor asked about the feature "wherein the dummy aperture prevents the main aperture from being deformed by tension applied to the evaporation mask" recited in independent claim 51. The supervisor stated that "prevents the main aperture from being deformed by tension" is a strong statement, and asked the attorney to explain FIG. 8 of the

present application with respect to this feature. The attorney explained that A in FIG. 8 shows the deviation of the widths of the apertures for an evaporation mask manufactured by electroforming, and that B in FIG. 8 shows the deviation of the widths of the apertures for an evaporation mask manufactured by etching. The attorney pointed out that B shows that there is a significant deviation at the first dummy aperture, but there is substantially no deviation at the first main aperture, and no deviation at the second main aperture.

The Examiner and her supervisor concluded the interview by stating that the rejections will be reconsidered after the applicants' arguments have been formally presented in a response.

#### Claim Rejections Under 35 USC 102

Claims 1, 2, 4, 5, 10, 12, 13, 15, 17, 18, 20, 21, 23, 26, 28, 29, 34, 36, 37, and 49-56 have been rejected under 35 USC 102(b) as being anticipated by Yokoi et al. (Yokoi) (JP 2000-160323), with the Examiner relying on the machine English translation of Yokoi provided with the Final Office Action of December 19, 2008. This rejection is respectfully traversed.

#### Independent Claim 1

It is submitted that Yokoi does not disclose or suggest "at least one mask unit, comprising: a plurality of main apertures, and a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in independent claim 1.

The Examiner states as follows on page 2 of the Final Office Action of December 19, 2008:

Regarding claim 1, Yokoi discloses an evaporation mask in figure 10 formed of a thin film (item 3), wherein the evaporation mask is drawn taut by application of tension (paragraph 5) and comprises: at least one mask unit (item 3), comprising: a plurality of main apertures (item 4), and a plurality of first dummy apertures (item 4) formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask.

and as follows on page 16 of the Final Office Action of December 19, 2008:

[T]he Examiner first points to figure 10 where the first dummy apertures are the outermost apertures (item 4) and the main apertures are the inner apertures (item 4). Regarding the tension of the mask, the Examiner points to paragraph 5, which clearly states that tension is being applied.

The tension referred to in paragraph 5 of Yokoi apparently relates to the embodiment shown in FIGS. 1-4 of Yokoi in which the mask 3 is provided with the holes 34 that engage with the protuberances 18 of the mask holder 17, and the tension giving means 2 or 2A applies tension in the direction of the arrow X1 as shown in FIGS. 1-3 to suppress curvature and bending of the mask 3 as described in paragraph [0024] of Yokoi.

However, the Examiner has relied on the embodiment shown in FIG. 10 of Yokoi in the rejection of claim 1, which is a modification of the embodiment shown in FIGS. 7 and 8 of Yokoi, and it is submitted that tension is not applied to the mask 3 shown in FIG. 10 because the mask 3 in FIG. 10 is not provided with the holes 34 that engage with the protuberances 18 of the mask holder 17 as shown in FIGS. 2-4 of Yokoi, and the tension giving means 2 or 2A shown in FIGS. 1, 3, and 4 is not shown in FIGS. 7, 8, and 10. Rather, in the embodiment shown in FIGS. 7, 8, and 10, the mask 3 is held against the substrate 6 by the electromagnet device 7 shown in FIGS. 7 and 8 to prevent curvature and bending of the mask 3 that occurs when the electromagnet device 7 is turned off as shown in FIG. 8 of Yokoi.

It is submitted that the Examiner cannot rely on a combination of features from different embodiments disclosed in Yokoi in an anticipation rejection of claims 1, 2, 4, 5, 10, 12, 13, 15, 17, 18, 20, 21, 23, 26, 28, 29, 34, 36, 37, and 49-56 under 35 USC 102(b) because any such combination would be a modification of Yokoi that can only be relied on in an obviousness rejection under 35 USC 103(a). The Federal Circuit recently addressed this issue in *Net MoneyIN, Inc. v. Verisign, Inc.*, No. 2007-1565 (Fed. Cir. 10/20/2008), stating as follows:

We thus hold that unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.

Here, the iKP reference discloses two separate protocols for processing an Internet credit card transaction. Neither of these protocols contains all five links arranged or combined in the same way as claimed in the '737 patent. Thus, although the iKP reference might anticipate a claim directed to either of the two

protocols disclosed, it cannot anticipate the system of claim 23. The district court was wrong to conclude otherwise.

The district court was also wrong to combine parts of the separate protocols shown in the iKP reference in concluding that claim 23 was anticipated. Granted, there may be only slight differences between the protocols disclosed in the iKP reference and the system of claim 23. But differences between the prior art reference and a claimed invention, however slight, invoke the question of obviousness, not anticipation. (Citations omitted.)

Here, the Examiner appears to have relied on a combination of the embodiment in FIGS. 1-4 of Yokoi and the embodiment in FIGS. 7, 8, and 10 of Yokoi in the anticipation rejection of claim 1 under 35 USC 102(b). Accordingly, it is submitted that the anticipation rejection as set forth by the Examiner in the Final Office Action of December 19, 2008, is improper under the rationale set forth in *Net Money/IN* discussed above.

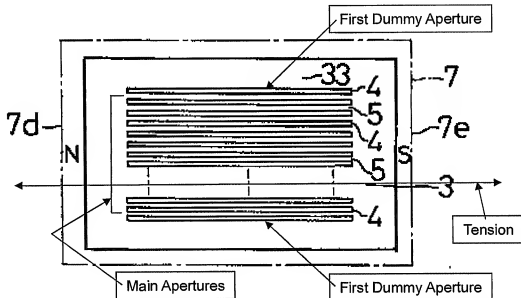
The Examiner states as follows on page 16 of the Final Office Action of December 19, 2008:

Regarding Applicant's arguments that the rejection is combining multiple embodiments, the Examiner respectfully disagrees. Even though Yokoi has shown multiple drawings, they are all referring to the same mask (item 3). The Examiner notes that figure 10 shows the mask and figure 14 shows the manufacturing method of the device.

However, it is submitted that the Examiner's statement that "[e]ven though Yokoi has shown multiple drawings, they are all referring to the same mask (item 3)" is incorrect because the mask 3 in FIG. 10 of Yokoi is not provided with the holes 34 that are provided in the mask 3 shown in FIG. 2 of Yokoi that engage with the protuberances 18 of the mask holder 17 as shown in FIGS. 2-4 of Yokoi, and enable the tension giving means 2 or 2A shown in FIGS. 1, 3, and 4 to apply tension to the mask 3 shown in FIG. 2 in the direction of the arrow X1 shown in FIGS. 1-3.

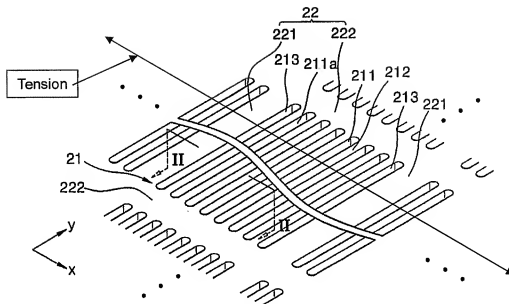
Furthermore, although not relied on by the Examiner in the explanation of the rejection of claim 1, paragraph [0039] of Yokoi states that FIG. 12 of Yokoi shows an embodiment that is a combination of the embodiment shown in FIGS. 1-4, the embodiment shown in FIGS. 5 and 6, and the embodiment shown in FIGS. 7 and 8, and arguably the modification shown in FIG. 10 of the embodiment shown in FIGS. 7 and 8. Accordingly, a marked-up copy of FIG. 10 of Yokoi relied on by the Examiner showing the "first dummy apertures" and the "main apertures" as

defined by the Examiner on page 16 of the Final Office Action of December 19, 2008, and the tension applied in the direction of the arrow X1 as shown in FIGS. 1-3 of Yokoi is provided below:



However, as can be seen from this marked-up copy of FIG. 10 of Yokoi, the first dummy apertures are formed adjacent to the outermost ones of the main apertures in a direction that is perpendicular to the direction in which tension is applied to the mask 3.

In contrast, claim 1 recites, among other features, "a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask." While not limited thereto but for ease of explanation, in FIG. 5 of the present application, the first dummy apertures 213 are formed adjacent to the outermost ones of the main apertures 211 in the x-axis direction in which tension is applied to the mask 20 as described, for example, in paragraphs [0081] and [0084] of the specification of the present application. A marked-up copy of FIG. 5 of the present application showing the tension applied in the x-axis direction in one example of the claimed invention is provided below:



Accordingly, it is submitted that Yokoi does not disclose or suggest "at least one mask unit, comprising: a plurality of main apertures, and a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in claim 1.

It is noted that FIG. 12, which, as discussed above, shows an embodiment that is a combination of the embodiment shown in FIGS. 1-4, the embodiment shown in FIGS. 5 and 6, and the embodiment shown in FIGS. 7 and 8, and arguably the modification shown in FIG. 10 of the embodiment shown in FIGS. 7 and 8, shows that the tension is applied in a direction X1 that is perpendicular to the direction X1 in which the tension is applied in the embodiment in FIGS. 1-4. However, this appears to be an error resulting from an attempt to show the features of all three of the embodiments that form the combination embodiment shown in FIG. 12. Paragraph [0024] of Yokoi, which is part of the description of the embodiment shown in FIGS. 1-4, states that the tension is to be applied in the direction X1 shown in FIG. 2, which is parallel to the apertures 4 of the mask 3 as shown in FIG. 2, rather than in the direction X1 that is perpendicular to the apertures 4 as erroneously shown in FIG. 12.

Furthermore, it is not seen where anything whatsoever in Yokoi indicates that Yokoi considers there to be any differences between any of the apertures 4 of the mask 3 shown in

FIG. 10 of Yokoi. Accordingly, it is submitted that there is no basis whatsoever in Yokoi for the Examiner's position that the inner ones of the apertures 4 correspond to the main apertures recited in claim 1, while the outermost ones of the apertures 4 correspond to the first dummy apertures recited in claim 1. Rather, it appears that the Examiner has arbitrarily defined the inner ones of the apertures 4 as main apertures and the outermost ones of the apertures 4 as first dummy apertures based solely on the language of claim 1, such that the Examiner's position is based solely on an impermissible hindsight reconstruction of the invention.

It is submitted that the Examiner cannot simply ignore the fact that claim 1 recites two different types of apertures, i.e., main apertures and first dummy apertures, and that the Examiner must provide some logical basis for her determination that the inner ones of the apertures 4 correspond to the main apertures recited in claim 1, and the outermost ones of the apertures 4 correspond to the first dummy apertures recited in claim 1. Absent such a logical basis, it is submitted that the Examiner has not established a *prima facie* case of anticipation with respect to claim 1.

Yokoi's mask 3 can be used, for example, to form the electrodes 52 of the electroluminescent device shown in FIG. 17 of Yokoi. It is submitted that nothing whatsoever in Yokoi indicates that the outermost ones of these electrodes 52 are not used in the operation of the electroluminescent device as would be necessary to characterize the outermost ones of the apertures 4 that formed the outermost ones of the electrodes 52 as "first dummy apertures" and to characterize the inner ones of the apertures 4 that formed the inner ones of the electrodes 52 that are used in the operation of the electroluminescent device as "main apertures."

In contrast and for ease of convenience relative to examples of claimed invention described, for example, in paragraphs [00113] and [00118] of the present application, the first dummy pattern area 70 shown in FIG. 26C of the present application that is formed by the first dummy aperture 213 shown in FIG. 5 of the present application "is formed outside the effective luminescent area 60 where the first electrode lines intersect with the second electrode lines, that is, formed in an area where the first electrode lines do not intersect with the second electrode lines, the first dummy pattern area 70 corresponds to an ineffective luminescent area where no light emission occurs." As described, for example, in paragraph [00118], "[t]he deposition using an evaporation mask capable of forming the first dummy pattern area 70 contributes to improvement of the accuracy of patterning in the effective luminescent area 60."



#### Dependent Claim 2

It is submitted that Yokoi does not disclose or suggest the feature "wherein the main apertures form an effective deposition area, and the first dummy apertures form an ineffective deposition area" recited in dependent claim 2.

The Examiner states as follows on page 2 of the Final Office Action of December 19, 2008:

Regarding claim 2, Yokoi discloses the evaporation mask of claim 1, wherein the main apertures form an effective deposition area (see FIG. 10), and the first dummy apertures form an ineffective deposition area (see FIG. 10).

and as follows on page 16 of the Final Office Action of December 19, 2008:

Regarding the disposition [sic] area, the reference has the exact same configuration as Applicant, and would have the same disposition [sic] area.

However, it is not seen where anything whatsoever in Yokoi supports the Examiner's position. Furthermore, it is submitted that nothing whatsoever in Yokoi indicates that the outermost ones of the electrodes 52 of the electroluminescent device shown in FIG. 17 of Yokoi that are formed by the apertures 4 of Yokoi's mask 3 are not used in the operation of the electroluminescent device as would be necessary to characterize the outermost ones of the apertures 4 as "first dummy apertures [that] form an ineffective deposition area" as recited in claim 2. Accordingly, it is submitted that all of Yokoi's apertures 4 are "main apertures [that] form an effective deposition area" as recited in claim 2, and that none of Yokoi's apertures 4 are "first dummy apertures [that] form an ineffective deposition area" as recited in claim 2.

#### Dependent Claim 4

It is submitted that Yokoi does not disclose or suggest "at least two mask units, and further comprising a plurality of second dummy apertures formed outside and adjacent to the outermost mask units in the direction in which tension is applied to the evaporation mask" as recited in dependent claim 4.

The Examiner states as follows on page 3 of the Final Office Action of December 19, 2008:

Regarding claim 4, Yokoi discloses the evaporation mask of claim 2, comprising at least two mask units (item 3), and further comprising a plurality of second dummy apertures (item 4) formed outside and adjacent to the outermost mask units in the direction in which tension is applied to the evaporation mask (paragraph 5).

and as follows on page 16 of the Final Office Action of December 19, 2008:

Regarding the plurality of mask units, the Examiner points to figure 10, which shows multiple mask units.

However, the Examiner has not explained why she considers FIG. 10 to show multiple mask units. The Examiner has not even explained what she considers a mask unit to be. Accordingly, it is submitted that the Examiner has not established a *prima facie* case of anticipation with respect to claim 4.

Furthermore, it is not seen how any of Yokoi's masks 3 can reasonably be considered to comprise "at least two mask units" as recited in claim 4. Furthermore, it is submitted that each of Yokoi's masks 3 is a single mask unit that is used to form a single organic electroluminescent device, such as the electroluminescent device shown in FIG. 17 of Yokoi. Accordingly, it is submitted that Yokoi does not disclose or suggest "[an] evaporation mask . . . comprising at least two mask units" as recited in claim 4.

With respect to the "second dummy apertures" recited in claim 4, the Examiner has now taken the position on page 16 of the Final Office Action of December 19, 2008, that the inner ones of the apertures 4 in the mask 3 shown in FIG. 10 of Yokoi are "main apertures" as recited in claim 1 from which claim 4 indirectly depends, and that the outermost ones of the apertures 4 are "first dummy apertures" as recited in claim 1, thus accounting for all of the apertures 4. However, in the rejection of claim 4, the Examiner has taken the position that some of the apertures 4 are "a plurality of second dummy apertures formed outside and adjacent to the outermost mask units in the direction in which tension is applied to the evaporation mask" as recited in claim 4. However, since the Examiner has already accounted for all of the apertures 4 in the rejection of claim 1, there are no apertures 4 left to correspond to the "second dummy apertures" recited in claim 4. Thus, the position taken by the Examiner in the rejection of claim 4 is both inconsistent and irreconcilable with the position taken by the Examiner in the rejection of

claim 1 from which claim 4 indirectly depends. Accordingly, it is submitted that the Examiner has not established that Yokoi discloses "a plurality of second dummy apertures formed outside and adjacent to the outermost mask units in the direction in which tension is applied to the evaporation mask" as recited in claim 4.

However, should the Examiner repeat the rejection, it is respectfully requested that the Examiner provide a marked-up copy of FIG. 10 of Yokoi relied on by the Examiner in the rejection of claim 1 or any other figure of Yokoi showing which of Yokoi's apertures 4 she considers to correspond to the main apertures, the first dummy apertures, and the second dummy apertures recited in claim 4 by virtue of its dependence from claim 1.

Furthermore, it is submitted that the Examiner has not provided any logical basis for her determination that unspecified ones of Yokoi's apertures 4 correspond to "a plurality of second dummy apertures formed outside and adjacent to the outermost mask units in the direction in which tension is applied to the evaporation mask" as recited in claim 4. Absent such a logical basis, it is submitted that the Examiner has not established a *prima facie* case of anticipation with respect to claim 4.

#### Dependent Claim 5

It is submitted that Yokoi does not disclose or suggest the feature "wherein the second dummy apertures are formed outside the effective deposition areas where the mask units are formed" recited in dependent claim 5.

The Examiner states as follows:

Regarding claim 5, Yokoi discloses the evaporation mask of claim 4, wherein the second dummy apertures are formed outside the effective deposition areas where the mask units are formed (see FIG. 10).

However, it is not seen where anything whatsoever in Yokoi supports the Examiner's position. Nor has the Examiner explained why she considers FIG. 10 of Yokoi to provide this feature of claim 5. In fact, the Examiner has not even explained which elements of the mask 3 in FIG. 10 of Yokoi she considers to correspond to the "second dummy apertures" and the "mask units" recited in claim 5. Furthermore, it is submitted that all of the apertures 4 of the mask 3 shown in FIG. 10 of Yokoi are inside an effective deposition area because it appears that all of

the electrodes 52 of the electroluminescent device shown in FIG. 17 of Yokoi that are formed by the apertures 4 are used in the operation of the electroluminescent device because nothing whatsoever in Yokoi appears to indicate that some of the electrodes 52 are not used in the operation of the electroluminescent device.

#### Independent Claim 10

It is submitted that Yokoi does not disclose or suggest "at least one mask unit, the mask unit comprising a plurality of main apertures and a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in independent claim 10 for at least the same reasons discussed above that Yokoi does not disclose or suggest the same features of claim 1.

Furthermore, it is submitted that Yokoi does not disclose or suggest "forming a first dummy pattern area outside the effective luminescent area through the first dummy apertures" as recited in claim 10.

The Examiner states that Yokoi discloses "forming a first dummy pattern area (area around item 4) outside the effective luminescent area through the first dummy apertures." However, the "area around item 4" referred to by the Examiner is merely the solid portions of Yokoi's mask 3 in which the apertures 4 are formed. These solid portions do not form any pattern apart from the pattern of the apertures 4, and thus cannot reasonably be considered to be "a first dummy pattern area" as recited in claim 10. Furthermore, the Examiner has now taken the position that the outermost ones of Yokoi's apertures 4 are "first dummy apertures" as recited in claim 10. However, none of the solid portions of the mask 3 around the apertures 4 are formed through the outermost ones of the apertures 4 as would be necessary for the Examiner's position that the solid portions of the mask 3 around the apertures 4, i.e., the "area around item 4," are "a first dummy pattern area" as recited in claim 10 to be even remotely arguably correct.

Furthermore, it is submitted that there is no basis whatsoever in Yokoi for any of the thin films 100a (red), 100b (blue), and 100c (green) that are formed on the substrate 6 using Yokoi's masks 3 as shown in FIG. 14 of Yokoi to be considered to be "a first dummy pattern area" as recited in claim 10.

**Arguments substantially the same as the above arguments were presented on pages 16 and 17 of the Request for Reconsideration of July 14, 2008, but the Examiner did not take note of these arguments and answer the substance of them in the Final Office Action of December 19, 2008, as required by MPEP 707.07(f).**

Dependent Claim 12

It is submitted that Yokoi does not disclose or suggest the feature "wherein at least two organic EL devices are manufactured in a single process" recited in dependent claim 12.

The Examiner considers FIG. 14 of Yokoi to disclose the above feature of claim 12. However, FIG. 14 of Yokoi shows forming thin films 100a (red), 100b (blue), 100c (green) of the single EL device shown in FIGS. 16 and 17 of Yokoi. Nor is it seen where any other portion of Yokoi discloses or suggests the above feature of claim 12.

**Arguments substantially the same as the above arguments were presented on page 17 of the Request for Reconsideration of July 14, 2008, but the Examiner did not take note of these arguments and answer the substance of them in the Final Office Action of December 19, 2008, as required by MPEP 707.07(f).**

Dependent claim 15

It is submitted that Yokoi does not disclose or suggest "a second dummy pattern area is formed outside the effective luminescent area through the first dummy apertures" as recited in dependent claim 15 for at least the same reasons discussed above that Yokoi does not disclose or suggest the similar feature of claim 10.

Independent claim 23

It is submitted that Yokoi does not disclose or suggest "at least two mask units each comprising a plurality of main apertures and a plurality of second dummy apertures formed outside and adjacent to outermost ones of the mask units in a direction in which tension is

applied to the evaporation mask" as recited in independent claim 23 for at least the same reasons discussed above that Yokoi does not disclose or suggest the same features of claim 4.

Independent claim 34

It is submitted that Yokoi does not disclose or suggest "a plurality of main apertures and a plurality of first dummy apertures formed adjacent to outermost ones of the main apertures in a direction in which tension is applied to the evaporation mask" as recited in independent claim 34 for at least the same reasons discussed above that Yokoi does not disclose or suggest the same features of claim 1.

Independent Claim 49

It is submitted that Yokoi does not disclose or suggest "at least one mask unit comprising: at least one main aperture, and at least one first dummy aperture formed adjacent to an outermost at least one main aperture in a direction in which tension is applied to the evaporation mask" as recited in independent claim 49 for at least the same reasons discussed above that Yokoi does not disclose or suggest the similar features of claim 1.

Independent claim 51

It is submitted that Yokoi does not disclose or suggest "[a] mask unit for an evaporation mask, comprising: a main aperture; and a dummy aperture" as recited in independent claim 51 for at least the same reasons discussed above that Yokoi does not disclose or suggest the similar features of claim 1.

Furthermore, it is submitted that Yokoi does not disclose or suggest the feature "wherein the dummy aperture prevents the main aperture from being deformed by tension applied to the evaporation mask" recited in claim 51.

The Examiner states as follows:

Regarding claim 51, Yokoi discloses a mask unit (item 3) for an evaporation mask in figure 10, comprising: a main aperture (item 4); and a dummy aperture (item 4); wherein the dummy

aperture prevents the main aperture from being deformed by tension applied to the evaporation mask (paragraph 5).

Paragraph [0005] in the machine English translation of Yokoi submitted with the Request for Reconsideration of July 14, 2008, states as follows:

A method for forming thin film concerning the 1st invention is in a state where a mask was made to meet a film formation surface of a base using a mask with two or more openings, and a base with a film formation surface, As shape of an opening of a mask is transferred, it is a method for forming thin film which carries out membrane formation processing of the thin film in a film formation surface, and membrane formation processing is performed, where tension is given to a mask so that curvature of a mask and bending may be suppressed.

However, this paragraph of Yokoi merely states that tension is applied to Yokoi's mask 3 to suppress curvature and bending of the mask 3. It is submitted that nothing whatsoever in this paragraph of Yokoi or in any other portion of Yokoi discloses or suggests the feature "wherein the dummy aperture prevents the main aperture from being deformed by tension applied to the evaporation mask" recited in claim 51. Nor has the Examiner explained why she considers paragraph [0005] of Yokoi to disclose this feature of claim 51.

**Arguments substantially the same as the above arguments were presented on page 17 of the Request for Reconsideration of July 14, 2008, but the Examiner did not take note of these arguments and answer the substance of them in the Final Office Action of December 19, 2008, as required by MPEP 707.07(f).**

Dependent Claims 13, 17, 18, 20, 21, 26, 28, 29, 36, 37, and 50

It is submitted that Yokoi does not disclose or suggest the features recited in dependent claims 13, 17, 18, 20, 21, 26, 28, 29, 36, 37, and 50 for at least the same reasons discussed above that Yokoi does not disclose or suggest the same or similar features of claims 1, 2, 4, 5, 10, 12, 15, 23, 34, 49, and 51.

Dependent Claims 52-56

It is submitted that dependent claims 52-56 are patentable over Yokoi for at least the same reasons discussed above that claims 1, 10, 34, 49, and 51 from which claims 52-56 depend are patentable over Yokoi.

Conclusion—Claim Rejections Under 35 USC 102

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1, 2, 4, 5, 10, 12, 13, 15, 17, 18, 20, 21, 23, 26, 28, 29, 34, 36, 37, and 49-56 under 35 USC 102(b) as being anticipated by Yokoi be withdrawn.

Claim Rejections Under 35 USC 103

Claims 3, 6, 11, 14, 16, 19, 22, 27, 30, 35, and 38 have been rejected under 35 USC 103(a) as being unpatentable over Yokoi in view of Himeshima et al. (Himeshima) (U.S. Patent No. 6,469,439). This rejection is respectfully traversed.

Dependent Claim 3

It is submitted that Yokoi and Himeshima do not disclose or suggest the feature "wherein at least one of the first dummy apertures is formed parallel to the main apertures, and at least another one of the first dummy apertures is formed perpendicular to the main apertures" recited in dependent claim 3.

The Examiner considers FIG. 35 of Himeshima to disclose the above feature of claim 3. However, it is not seen where FIG. 35 discloses this feature, and accordingly, absent a more detailed explanation of the rejection, it is submitted that FIG. 35 does not disclose this feature as alleged by the Examiner. Should the Examiner repeat the rejection, it is respectfully requested that the Examiner provide a marked-up copy of FIG. 35 of Himeshima showing this feature of claim 3.

**The applicants made this same request on page 16 of the Request for Reconsideration of January 28, 2008, and pages 20 and 21 of the Request for**



Reconsideration of July 14, 2008, but the Examiner did not comply with this request or take note of the above arguments and answer the substance of them as required by MPEP 707.07(f) in the Office Action of May 1, 2008, or the Final Office Action of December 19, 2008.

Furthermore, the Examiner states that it would have been obvious to one of ordinary skill in the art to combine Yokoi and Himeshima to provide all of the features recited in claim 3 "since such a modification would have involved a mere change in the shape of a component," and that "[a] change in shape is generally recognized as being within the level of ordinary skill in the art." However, the Examiner has not cited any statute, rule, procedure, or decision in support of her position. Accordingly, should the Examiner repeat the rejection, it is respectfully requested that the Examiner provide such support in the next Office Action, even if that Office Action is an Advisory Action.

Furthermore, it is submitted that the modification proposed by the Examiner would involve more than "a mere change in the shape of a component." MPEP 2143 states on MPEP page 2100-128 that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." Here, it is submitted that the Examiner has not clearly articulated exactly why she considers FIG. 35 of Himeshima to teach the feature recited in claim 3, how Yokoi's mask would be modified to incorporate this feature, and why one of ordinary skill in the art would have done this. Accordingly, it is submitted that the Examiner has not established a *prima facie* case of obviousness with respect to claim 3.

#### Dependent Claim 6

It is submitted that Yokoi and Himeshima do not disclose or suggest the feature "wherein at least one of the second dummy apertures is formed parallel to the main apertures of the mask units, and at least another one of the second dummy apertures is formed perpendicular to the main apertures" recited in dependent claim 6.

The Examiner considers FIG. 35 of Himeshima to disclose the above feature of claim 6. However, it is not seen where FIG. 35 discloses this feature, and accordingly, absent a more detailed explanation of the rejection, it is submitted that FIG. 35 does not disclose this feature as

alleged by the Examiner. Should the Examiner repeat the rejection, it is respectfully requested that the Examiner provide a marked-up copy of FIG. 35 of Himeshima showing this feature of claim 6.

**The applicants made this same request on pages 17 and 18 of the Request for Reconsideration of January 28, 2008, and page 21 of the Request for Reconsideration of July 14, 2008, but the Examiner did not comply with this request or take note of the above arguments and answer the substance of them as required by MPEP 707.07(f) in the Office Action of May 1, 2008, or the Final Office Action of December 19, 2008.**

Furthermore, the Examiner states that it would have been obvious to one of ordinary skill in the art to combine Yokoi and Himeshima to provide all of the features recited in claim 6 "since such a modification would have involved a mere change in the shape of a component," and that "[a] change in shape is generally recognized as being within the level of ordinary skill in the art." However, the Examiner has not cited any statute, rule, procedure, or decision in support of her position. Accordingly, should the Examiner repeat the rejection, it is respectfully requested that the Examiner provide such support in the next Office Action, even if that Office Action is an Advisory Action.

Furthermore, it is submitted that the modification proposed by the Examiner would involve more than "a mere change in the shape of a component." MPEP 2143 states on MPEP page 2100-128 that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." Here, it is submitted that the Examiner has not clearly articulated exactly why she considers FIG. 35 of Himeshima to teach the feature recited in claim 6, how Yokoi's mask would be modified to incorporate this feature, and why one of ordinary skill in the art would have done this. Accordingly, it is submitted that the Examiner has not established a *prima facie* case of obviousness with respect to claim 6.

Dependent Claims 11, 14, 16, 19, 22, 27, 30, 35, and 38

It is submitted that Yokoi and Himeshima do not disclose or suggest the features recited in dependent claims 11, 14, 16, 19, 22, 27, 30, 35, and 38 for at least the same reasons

discussed above that Yokoi and Himeshima do not disclose or suggest the same or similar features of claims 3 and 6.

#### Conclusion—Claim Rejections Under 35 USC 103

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 3, 6, 11, 14, 16, 19, 22, 27, 30, 35, and 38 under 35 USC 103(a) as being unpatentable over Yokoi in view of Himeshima be withdrawn.

#### Rejoinder of the Invention of Non-Elected Species B

Since claim 51 which is generic to elected Species A and non-elected Species B is allowable for the reasons discussed above; since claims 4-6, 12-14, 17-22, 36-38, and 50 of Species A which are linking claims that link together the inventions of Species A and B are allowable for the reasons discussed above; since claims 26-30 of Species B which are linking claims that link together the inventions of Species A and B are allowable for the reasons discussed above; and since claim 23 of Species B is allowable for the reasons discussed above, it is submitted that the applicants are entitled to rejoinder of the invention of non-elected Species B pursuant to 37 CFR 1.141(a) and MPEP 821.04(a). Accordingly, it is respectfully requested that the requirement for an election of species be withdrawn, and that claims 7-9, 24, 25, 31-33, and 39-41, which are currently withdrawn from consideration as being readable on non-elected Species B, be examined on the merits.

#### Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

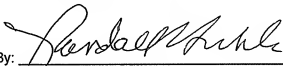
Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date:

02/18/09

By:



Randall S. Svihla  
Registration No. 56,273

1400 Eye St., NW  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510